

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 21, 2011

Lyle W. Cayce
Clerk

No. 10-30972

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GREGORY CHARLES HOWARD,

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:03-CR-174-1

Before JONES, Chief Judge, and STEWART and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Gregory Charles Howard, federal prisoner # 04073-095, appeals the district court's grant of his 18 U.S.C. § 3582(c)(2) motion to reduce his sentence based on the amendments to the crack cocaine Guideline. Howard, through the Federal Public Defender, contends that the district court abused its discretion by not granting a reduction to the middle of the recalculated guidelines range. He also contends that the district court committed procedural error or abused its discretion by failing to give reasons for the sentence.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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As Howard concedes, his arguments are foreclosed by *United States v. Evans*, 587 F.3d 667 (5th Cir. 2009), *cert. denied*, 130 S. Ct. 3462 (2010). In *Evans*, we noted that, because the district court was under no obligation to reduce the defendant's sentence at all, it was under no obligation to reduce the sentence even further within the recalculated range. *Id.* at 673. In addition, the district court was not required to give reasons for granting the defendant's § 3582(c)(2) motion but not imposing a lower sentence within the recalculated guidelines range. *Id.* at 674. Accordingly, Howard's contentions are foreclosed by *Evans*, and the judgment of the district court is AFFIRMED. *See id.* at 672-74.